

**APPENDIX VI**

**Serial No.: 09/577,551**

**Docket No.: 53481US009**

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**Advisory Action mailed September 17, 2002.**



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/577,551	05/24/2000	Wayne K. Dunshee	53481USA1B	5353

7590 09/17/2002

Office of Intellectual Property Counsel  
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EXAMINER	
NILAND, PATRICK DENNIS	
ART UNIT	PAPER NUMBER

1714

DATE MAILED: 09/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Below is a communication from the EXAMINER in charge of this application

COMMISSIONER OF PATENTS AND TRADEMARKS

ADVISORY ACTION

THE PERIOD FOR RESPONSE:

a)  is extended to run \_\_\_\_\_ or continues to run 3 months from the date of the final rejection  
 b)  expires three months from the date of the final rejection or as of the mailing date of this Advisory Action, whichever is later. In no event however, will the statutory period for the response expire later than six months from the date of the final rejection.

Any extension of time must be obtained by filing a petition under 37 CFR 1.136(a), the proposed response and the appropriate fee. The date on which the response, the petition, and the fee have been filed is the date of the response and also the date for the purposes of determining the period of extension and the corresponding amount of the fee. Any extension fee pursuant to 37 CFR 1.17 will be calculated from the date of the originally set shortened statutory period for response or as set forth in b) above.

Appellant's Brief is due in accordance with 37 CFR 1.192(a).  
 Applicant's response to the final rejection, filed 8/26/02 has been considered with the following effect, but it is not deemed to place the application in condition for allowance:

1.  The proposed amendments to the claim and /or specification will not be entered and the final rejection stands because:
  - a.  There is no convincing showing under 37 CFR 1.116(b) why the proposed amendment is necessary and was not earlier presented.
  - b.  They raise new issues that would require further consideration and/or search. (See Note).
  - c.  They raise the issue of new matter. (See Note).
  - d.  They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal.
  - e.  They present additional claims without cancelling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

2.  Newly proposed or amended claims \_\_\_\_\_ would be allowed if submitted in a separately filed amendment cancelling the non-allowable claims.
3.  Upon the filing an appeal, the proposed amendment  will be entered  will not be entered and the status of the claims will be as follows:

Claims allowed: None

Claims objected to: None

Claims rejected: 4-13, 16-45, and 49-52

However;

Applicant's response has overcome the following rejection(s): The rejections of paragraph 4 of the office action of 5/24/02.

4.  The affidavit, exhibit or request for reconsideration has been considered but does not overcome the rejection because \_\_\_\_\_
5.  The affidavit or exhibit will not be considered because applicant has not shown good and sufficient reasons why it was not earlier presented.

The proposed drawing correction  has,  has not been approved by the examiner.

Other

*See attached interview summary  
pages no. 8.*

*Patrick D. Niland*  
PATRICK D. NILAND  
PRIMARY EXAMINER

10/01/02 TUE 10:55 FAX

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UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20591

09/577551

APPLICATION NUMBER	FILING DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO.
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EXAMINER
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Nila J. D.

ART UNIT	PAPER NUMBER
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1714 8

DATE MAILED:

## INTERVIEW SUMMARY

All participants (applicant, applicant's representative, PTO personnel):

(1) A. Nesting (3) \_\_\_\_\_  
 (2) K. Franklin (4) \_\_\_\_\_

Date of Interview 8/5/02Type:  Telephonic  Personal (copy is given to  applicant  applicant's representative).Exhibit shown or demonstration conducted:  Yes  No If yes, brief description: \_\_\_\_\_Agreement  was reached.  was not reached.Claim(s) discussed: AllIdentification of prior art discussed: CitedDescription of the general nature of what was agreed to if an agreement was reached, or any other comments: Examiner proposed

showing that "non-elasticomeric methanes exist. This gives choice of 1 in 8 of substrates, e.g. elasticomeric or non-elasticomeric polymers of column 4 of Davey. This is too much picking and choosing based on Board decisions the examiner has seen recently.

(A fuller description, if necessary, and a copy of the amendments, if available, which the examiner agreed would render the claims allowable must be attached. Also, where no copy of the amendments which would render the claims allowable is available, a summary thereof must be attached.)

1.  It is not necessary for applicant to provide a separate record of the substance of the interview.

Unless the paragraph above has been checked to indicate to the contrary, A FORMAL WRITTEN RESPONSE TO "THE LAST OFFICE ACTION IS NOT WAIVED AND MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a response to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW.

2.  Since the Examiner's Interview summary above (including any attachments) reflects a complete response to each of the objections, rejections and requirements that may be present in the last Office action, and since the claims are now allowable, this complete form is considered to fulfill the response requirements of the last Office action. Applicant is not relieved from providing a separate record of the interview unless box 1 above is also checked.

Examiner Note: You must sign this form unless it is an attachment to another form.